

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 301

This is an advisory opinion in response to your request for advice from the Ethics Commission in regard to whether a City officer ("A") violated the Standards of Conduct by accepting certain gifts.

The Commission understands the facts relative to your inquiry to be as follows:

In the fall of 1998, A attended an annual conference in Orlando, Florida, on behalf of the City and County of Honolulu. While there, A attended several events outside of the official conference agenda which were hosted by Hawaii companies with City vendor or non-bid consultant contracts.

The four occasions in question were: dinner hosted by a company, dinner hosted by a second company, dinner and limousine transportation to the event hosted by a third consulting firm, and dinner and show co-hosted by two vendors. The value of these gifts ranged from approximately \$40 to \$165.

When A served with the department, A's responsibilities did not involve making decisions in regard to awarding or overseeing non-bid consultant contracts. Furthermore, vendors were chosen by A's department either because they submitted the low bid or because they were found on the City's price schedule.

The ethical question presented is whether A violated the Standards of Conduct by accepting meals, entertainment, and transportation from vendors and non-bid consultants when A represented the City at the conference.

In Section 11-102(a) of the Revised Charter of the City and County of Honolulu 1973 (1994 Ed.), City officers and employees are prohibited from the solicitation or acceptance of

any gift, directly or indirectly, whether in the form of money, loan gratuity, favor, service, thing or promise, or in any other form, **under circumstances in which it can reasonably be inferred that the gift is intended to influence the officer or employee in the performance of such person's official duties** (emphasis added).

Since A had no involvement in the decisions by A's department in regard to the award or oversight of non-bid contracts, and since vendor purchases came from the City's price schedule or as a result of competitive bidding, it cannot reasonably be inferred that the gifts of meals, entertainment, and transportation were intended to influence A in the performance of A's official duties. Therefore, no violation of the Standards of Conduct occurred on A's part.

However, the Ethics Commission has become concerned about the issues raised in this case. We are considering the possibility of issuing guidelines for all City officers and employees in regard to the acceptance of gifts while attending conferences on City time.

Dated: October 13, 1999

FAY M. UYEMA
Chair, Ethics Commission